IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.MC.No. 101 of 2007()

C.C.57/2000, NOW L.P.22/2003 OF J.F.C.M. COURT, PONNANI
CRIME NO. 140/99 OF PONNANI POLICE STATION

PETITIONER:

VAYAKALA PARAMBIL SALIH,
S/O.MAMUANKUZHI PAREED HAJI,
CANAL ROAD, U.C.COLLEGE P.O., ALUVA.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
PONNANI POLICE STATION, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

2. KAMARIL LAILA, W/O.SALIH,
KOYA MANZIL, THEKKEPURAM,
P.O.PONNANI SOUTH.

R2 BY ADV. SRI.K.MUHAMMED SALAHUDHEEN
R1 BY PUBLIC PROSECUTOR SMT.LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 101 of 2007

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Dated this the 22nd day of January, 2007

O R D E R

This petition is filed by the petitioner requesting that powers under Section 482 Cr.P.C. may be invoked to quash the proceedings initiated against him under Section 498A I.P.C. Cognizance has been taken on the basis of the final report submitted by the police. The case was initially registered as Crime No.140 of 1999 of Ponnani Police Station. Later C.C.No. 57 of 2000 was registered on the basis of the final report. The petitioner has not appeared before the Investigating Officer or the learned Magistrate. The case against him has been transferred to the list of long pending cases and it is numbered as L.P.no.22 of 2003.

2. The petitioner is the husband and the second respondent is the wife. The second respondent has entered appearance before this Court. The petitioner as well as the second respondent submit that the disputes between them have been settled amicably and that they are residing together harmoniously now. The case against the petitioner has in these circumstances lost its relevance and

significance and the continuance of the said case is unnecessarily irritant in the matrimonial relationship between them. It is in these circumstances prayed that proceedings against the petitioner may be quashed, notwithstanding the fact that the offence is not compoundable, invoking the dictum in **B.S. Joshi** v. **State of Haryana** (AIR 2003 SC 1386).

3. Having considered the submissions of the rival contestants and the learned Public Prosecutor, I am satisfied that powers under Section 482 Cr.P.C. can be invoked in favour of the petitioner. It is submitted that no proceedings are pending before the learned Magistrate under Section 446 Cr.P.C. If any such proceedings is pending, it shall be disposed of by the learned Magistrate expeditiously.

4. This Crl.M.C. is hence allowed. L.PNo.22 of 2003 pending before the J.F.C.M. Court, Ponnani is hereby quashed.

(R. BASANT)
Judge

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